

REMARKS

Applicant respectfully submits this Amendment in reply to the Final Official Action dated June 7, 2011. Applicant submits that the Amendment is fully responsive to the Final Official Action for at least the reasons set forth herein.

At the onset, Applicant would like to thank the Examiner for taking the time to speak with Applicant's representative in a personal interview on October 4, 2011. During the interview Applicant's representative discussed the cited references, the pending rejection and distinguishing features of the invention. In particular, Applicant's representative noted that the first list of the instant application is created by the current active network by scanning an area for available networks. In contrast, in Lynch, the mobile terminal searches for the available networks and uses signal strength (RSSI) of the signals received from other networks to determine the availability. The list that the mobile station (of the prior art) receives from the network is a list of preferred networks. The preferred network list is based on contractual relationships between system providers.

Accordingly, independent claims 28, 29, 32 and 33 have been amended to clarify the invention vis-à-vis the first list. For example, claim 28 has been amended to recite, *inter alia*, receiving a message on said user equipment including a first list including a plurality of network identifiers corresponding to a plurality of available networks for a potential handover, the plurality of available networks are determined by the current active communication network by scanning an area for all available networks within the area, said receiving from a current active communication network while a call subject to a potential handover is in progress. Claims 29 and 33 has been similarly amended.

Claim 32 has been amended to recite, *inter alia*, a means for transmitting a message that includes a first list including a plurality of network identifiers corresponding to a plurality of

available networks for a potential handover, the plurality of available networks are determined by a serving communication network by scanning an area for all available networks within the area, the message being transmitted from the serving communication network while a call subject to a potential handover is in progress.

Additionally, Applicant respectfully submits new claims 40-49 for examination. Claims 40-48 are dependent claims and claim 49 is independent. Claim 49 recites, *inter alia*, receiving a message on said user equipment including a first list including a plurality of network identifiers corresponding to a plurality of available networks for a potential handover, the plurality of available networks are determined by the current active communication network by based upon a location of said user equipment, said receiving from a current active communication network while a call subject to a potential handover is in progress.

No new matter has been added to the application by way of the aforementioned amendments. For example, Applicant respectfully directs the Examiner's attention to Figure 1 and pages 4, 5, 6, 9, and 10-14 of the application. Applicant notes that the above-identified sections of the application are presented only for the Examiner's convenience and is not intended to be an exhaustive list.

Claims 28, 29, 33-38 were rejected under 35 U.S.C. § 102(b) as allegedly anticipated by Lynch. Claim 32 was rejected under 35 U.S.C. § 103(a) as allegedly obvious over Lynch, in view of Daly, U.S. Patent No. 6,122,503 and further in view of I, U.S. Patent No. 6,088,335. Claim 39 was rejected under 35 U.S.C. § 103(a) as allegedly obvious over Lynch in view of Hicks.

Applicant respectfully submits that all of the claims of the application are patentable over the references cited in the Final Official Action for at least the reasons discussed during the personal interview and summarized above.

Notably, in Lynch, any list that is received by the user equipment from the network is determined based on contractual relationships between service providers. In contrast, in the claimed invention, the current active communication network scans an area for available networks to determine the list (as recited in claims 28, 29, 32 and 33) or the current active network determines the first list based upon a location of the user equipment (as recited in claim 49). Daly, I and Hicks fail to cure the above-identified deficiencies.

Additionally, in Lynch, the mobile terminal performs the scanning.

For this reason alone, all of the claims are patentable over the cited references.

Moreover, Applicant submits that the cited references fail to teach a means for receiving from user equipment communicating with the serving communication network an indication of at least one preferred other network; and means for supplying neighboring cell information to the user equipment for each of the at least one preferred other network based on the indication as recited in independent claim 32 and similarly recited in dependent claim 41. At best, “I” teaches that the mobile terminal scans the area and transmits neighboring cell information to the network (not vice versa). *See* Col. 7, lines 44-63. Additionally, the neighboring cell information is not limited to only the preferred networks indicated by the user terminal as claimed.

Accordingly, Applicant submits that independent claims 28, 29, 32, 33 and 49 are patentable over the cited references based at least upon the above-identified analysis. Claims 34-48 are patentable over the cited references based at least upon the above-identified analysis and their dependency, whether directly or indirectly, from claims 28, and 32, respectively.

Applicant submits that claims 40 and 47 are further patentable over the cited references based at least upon the following additional reasons. Applicant submits that the prior art fails to teach that the user equipment transmits a request for the first list. At best, Lynch teaches that the network transmits the list to the user equipment when a contractual relationship changes.

Applicant further submits that claims 43 and 48 are patentable over the cited references based at least upon the following additional reasons. The cited references fail to teach a means for scanning an area for all available networks within the area and means for storing a list of available networks based upon the scanning and corresponding cell information. Once again, the list, in Lynch, is created based upon contractual relationships rather than scanning.

Accordingly, withdrawal of the rejection of claims 28, 29 and 33-38 pursuant to 35 U.S.C. § 102(b) is respectfully requested as the claims are not anticipated by Lynch. Withdrawal of the rejections of claims 32 and 39 pursuant to 35 U.S.C. § 103(a) is respectfully requested as the claim is not obvious in view of the cited references. Allowance of new claims 40-49 is respectfully requested.

For at least the reasons set forth in the foregoing discussion, Applicant believes that the Application is in condition for allowance, and respectfully requests that the Examiner issue a Notice of Allowability. Should the Examiner have any questions regarding this Amendment, or regarding the Application generally, the Examiner is invited to telephone the undersigned attorney.

Respectfully submitted,
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